

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

<p>EARNESTINE MOSHIER,</p> <p style="text-align:right">Plaintiff,</p> <p>v.</p> <p>PROVIDENCE TRAIL APARTMENTS, BR PROVIDENCE NASHVILLE MANAGER, LLC, d/b/a BR PROVIDENCE NASHVILLE, LLC, BLUE ROCK REAL ESTATE, LLC, and BELL PARTNERS INC.,</p> <p style="text-align:right">Defendants.</p>	<p>CIVIL ACTION FILE</p> <p>NO.</p> <p>JURY TRIAL DEMANDED</p>
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NOTICE OF REMOVAL

Defendants Providence Trail Apartments, BR Providence Nashville Manager, LLC d/b/a BR Providence Nashville, LLC, Blue Rock Real Estate, LLC, and Bell Partners Inc. (collectively “Defendants”) by and through their undersigned counsel, pursuant to 28 U.S.C. §§ 1441, 1446, and 1332, hereby file this Notice of Removal of the above-styled action from the Circuit Court for Wilson County, Tennessee, to the United States District Court for the Middle District of Tennessee, respectfully showing this Honorable Court as follows:

1. Pursuant to 28 U.S.C. § 1446(a), Defendants have attached all process, pleadings, and other documents served upon them in the State Court Action to this Notice of Removal. (*See Exhibit A*).
2. Pursuant to 28 U.S.C. § 1332, this Court has jurisdiction over this action because there is complete diversity of citizenship between the Plaintiff and Defendants.

3. Plaintiff's Complaint alleges that Plaintiff, Earnestine Moshier, is a citizen and resident of Franklin, Wilson County, Tennessee.

4. Defendant Providence Trail Apartments is not an entity, but a d/b/a for Defendant BR Providence Nashville, LLC, a Delaware entity with its principal place of business located in New York, New York.

5. Defendant BR Providence Nashville Manager, LLC d/b/a BR Providence Nashville, LLC is a limited liability company formed under the laws of the State of Delaware with its principal place of business located in New York, New York.

6. Defendant Blue Rock Real Estate, LLC is a limited liability company formed under the laws of the State of Delaware with its principal place of business located in Southfield, Michigan.

7. Defendant Bell Partners, Inc. is a corporation formed under the laws of the State of Delaware with its principal place of business located in Greensboro, North Carolina.

8. On April 29, 2022 Plaintiff filed a voluntary nonsuit as to Defendant Bell Partnership, LLC.

9. On February 10, 2022 Plaintiff filed a voluntary nonsuit as to Defendant 146 Ryan, LLC.

10. Accordingly, all remaining Defendants have consented to the removal of this action.

11. On January 12, 2022, Plaintiff filed her Amended Complaint in the Circuit Court of Wilson County, Tennessee at Franklin, styled as *Earnestine Moshier v. Providence Trail Apartments, BR Providence Nashville Manager, LLC d/b/a BR Providence Nashville LLC, Blue*

Rock Real Estate, LLC Bell Partners Inc., Bell Partnership LLC and 146 Ryan LLC, Civil Action No.: 21-cv-608 (the “State Court Action”). (See Complaint and Summons attached as **Exhibit A**).

12. In her Complaint, Plaintiff prays for damages in the amount of five hundred thousand dollars (\$500,000.00).

13. A waiver of service was executed on behalf of Defendant Providence Trail Apartments on May 2, 2022. (See **Exhibit A**)

14. A waiver of service was executed on behalf of Defendant BR Providence Nashville Manager, LLC d/b/a BR Providence Nashville, LLC on May 2, 2022. (See **Exhibit A**)

15. A waiver of service was executed on behalf of Defendant Blue Rock Real Estate, LLC on May 2, 2022. (See **Exhibit A**)

16. A waiver of service was executed on behalf of Defendant Bell Partners, Inc. on May 2, 2022. (See **Exhibit A**)

17. It is uncontroverted that diversity of the parties exists, and that the amount in controversy exceeds \$75,000.00 in this case. Consequently, diversity jurisdiction exists in this case pursuant to 28 U.S.C. § 1332(a) and within thirty days of service of the State Court Action, Defendants remove this matter from the Circuit Court for Wilson County, Tennessee, to the United States District Court for the Middle District of Tennessee.

18. Pursuant to 28 U.S.C. § 1446(d), Defendants hereby certify that they have notified all adverse parties of this Notice of Removal in the State Court Action by filing a “Notice of Filing Notice of Removal” attaching a copy of this “Notice of Removal” with the Clerk of the Circuit Court for Wilson County, Tennessee, which will send notifications of same to Plaintiff’s counsel and by mailing a copy to Plaintiff’s counsel via Certified Mail, Return Receipt Requested. (See Notice of Filing Notice of Removal, attached as **Exhibit B**).

WHEREFORE, Defendants Providence Trail Apartments, BR Providence Nashville Manager, LLC d/b/a BR Providence Nashville, LLC, Blue Rock Real Estate, LLC, and Bell Partners Inc. respectfully request that the United States District Court for the Middle District of Tennessee effectuate removal of this case.

Respectfully submitted, this 3rd day of May, 2022

**WILSON ELSEER MOSKOWITZ
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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing NOTICE OF REMOVAL was electronically filed with the Court using the CM/ECF system and was served by Certified Mail, Return Receipt Requested, to the following

L. Mackenzie Cover
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Attorneys for Plaintiff

/s/ James M. Burd
James M. Burd